IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 14833 of 2005

Between:

Smt. N. Lakshmidevamma, ,W/o. N. Seshagiri Rao,
Nagatur Village, Nandikotkur Mandal, Kurnool District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Nandikotkur Mandal, Kurnool District.
2 The Revenue Divisional Officer, Kurnool.
3 The Panchayat Secretary, Nagatur Village, Nandikotkur Mandal,
Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, Order or direction mostly one which is in the nature of writ of MANDAMUS declaring the order in R.C.B. 350/04, Dt. 24-6-2005 of the 1st Respondent as illegal, irregular, arbitrary, unjustified, unconstitutional and unsustainable and set aside the same holding that the petitioner is entitled to enjoy an extent of Ac. 3.00 in Sy.No. 146/2 of Nagatur Village, Nandikotkur Mandal, Kurnool District with all absolute rights of title and possession and pass such other order or orders as it may deem fit.

Counsel for the Petitioner:MR.P.VEERA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORAL ORDER:

Aggrieved by the order passed by the 1st respondent-Mandal Revenue Officer dated 24.6.2005, after giving notice to the petitioner dated 9.6.2005, for evicting the petitioner from the suit scheduled land in Sy.No.146/2 of Nagatur village, Nandikotkur Mandal, Kurnool District, on the ground that the said property was allotted to Boya Jambulaiah, S/o Naganna, by the then Tahsildar, Nandikotkur, by order dated 4.10.1971, the petitioner preferred an appeal before the 2nd respondent-RDO on 27.6.2005, along with stay petition. When the 2nd respondent failed to pass any interim orders, this writ petition is filed.

Considering the facts and circumstances of the case, as much as the petitioner has already filed an appeal against the order of eviction passed by the MRO-the 1st respondent, it is for the appellate authority to consider the grounds raised by the petitioner, for not evicting him from the suit schedule property.

In that view of the matter, I deem it appropriate to direct the 2nd respondent-RDO to consider the appeal filed by the petitioner and pass appropriate orders, after

giving opportunity to the petitioner in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to evict the petitioner from the suit scheduled land.

With the above directions, the writ petition is disposed of. No order as to costs.

8.7.2005

Note:

Operative portion by wire.

BO CVM.

To,

1 The Mandal Revenue Officer, Nandikotkur Mandal, Kurnool District.
2 The Revenue Divisional Officer, Kurnool.
3 The Panchayat Secretary, Nagatur Village, Nandikotkur Mandal, Kurnool District.

4. 2 CCs to G.P. for Revenue, High Court buildings, Hyderabad (OUT).

5. 2 CD copies.